

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FAFARD REAL ESTATE &
DEVELOPMENT CORP.

Plaintiff,

VS.

NO. 04-11531-RGS

METRO-BOSTON BROADCASTING,
INC.,

Defendant.

**PLAINTIFF FAFARD REAL ESTATE & DEVELOPMENT CORP.'S
MOTION TO DISMISS COUNTERCLAIM**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Plaintiff Fafard Real Estate & Development Corp. (“Fafard”) respectfully moves to dismiss the Counterclaim filed by Defendant Metro-Boston Broadcasting, Inc. (“Metro-Boston”).

As grounds for this Motion, Fafard states that Metro-Boston fails to plead essential elements of each of the three counterclaims it asserts: abuse of process, interference with advantageous business relations, and violation of Massachusetts G.L. c. 93A. For these reasons, Metro-Boston has failed to state claims upon which relief can be granted, and dismissal of the entire Counterclaim is appropriate.

In support of this Motion, Fafard respectfully submits and relies upon the accompanying Memorandum in Support Motion to Dismiss Counterclaim.

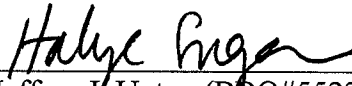
REQUEST FOR ORAL ARGUMENT

Fafard respectfully requests that the Court hold an oral argument on this Motion to Dismiss Counterclaim.

Respectfully submitted,

FAFARD REAL ESTATE &
DEVELOPMENT CORP.

By its attorneys,



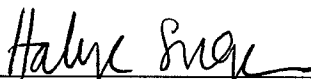
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HANIFY & KING
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Boston, MA 02108-3107
(617) 423-0400

DATED: September 13, 2004
414032

CERTIFICATE OF SERVICE

I, Halye A. Sugarman, certify that on September 13, 2004, I served a copy of the foregoing Motion to Dismiss Counterclaim, by hand on:

Kenneth Berman
Nutter McClennan & Fish, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02110



Halye A. Sugarman